

08/30/01
31042 U.S. PTO

08-31-01

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Please type a plus sign (+) inside this box → ☒

PTO/SB/05 (03-01)
Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	TCS-411.1P US-1
First Inventor	Rittershaus and Thomas
Title	MODULATION OF CHOLESTERYL ESTER TRANSFER PROTEIN (CETP) ACTIVITY
Express Mail Label No.	EL164335375US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- ☒ Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Specification [Total Pages **66**]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **12**]
- Oath or Declaration [Total Pages **3**]
 - ☐ Newly executed (original or copy)
 - ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ Application Data Sheet. See 37 CFR 1.76

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - ☒ Computer Readable Form (CRF)
 - Specification Sequence Listing on:
 - ☐ CD-ROM or CD-R (2 copies); or
 - ☒ paper
 - ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

- ☒ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☒ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
- ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☐ Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

of prior application No. **08 / 945,289**

Prior application information:

Examiner **Lubet**

Group Art Unit **1644**

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label (Insert Customer No. or Attach bar code label here) or ☒ Correspondence address below

Name	Leon R. Yankwich, Esq.				
	YANKWICH & ASSOCIATES				
Address	130 Bishop Allen Drive				
City	Cambridge	State	Massachusetts	Zip Code	02139
Country	U.S.A.	Telephone	(617) 491-4343	Fax	(617) 491-8801

Name (Print/Type)	Thomas R. Berka, Ph.D.	Registration No. (Attorney/Agent)	39,606	
Signature	<i>Thomas R. Berka</i>		Date	30 August 2001

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31042 U.S. PTO
09/943334
08/30/01

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**FEE TRANSMITTAL
for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) **355.00****Complete if Known**

Application Number	(not yet assigned)
Filing Date	(concurrently herewith)
First Named Inventor	Rittershaus and Thomas
Examiner Name	(not yet assigned)
Group Art Unit	(not yet assigned)
Attorney Docket No.	TCS-411.1P US-1

METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

50-0268

Deposit
Account
Name

Yankwich & Associates

- ☒
- Charge Any Additional Fee Required
-
- Under 37 CFR 1.16 and 1.17

- ☒
- Applicant claims small entity status.
-
- See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:**
- (check #2202)

☒ Check ☐ Credit card ☐ Money
Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	355.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$) **355.00****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
5	-20** = 0	9.00	00.00
1	-3** = 0	40.00	00.00
Multiple Dependent		135.00	

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) **00.00**

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3) (\$) 00.00					

SUBMITTED BY

Name (Print/Type)	Thomas R. Berka, Ph.D.	Registration No. (Attorney/Agent)	39,606	Telephone	(617) 491-4343
Signature	<i>Thomas R. Berka</i>	Date	30 August 2001		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Rittershaus & Thomas

Serial No.: not yet assigned

Filed: concurrently herewith

Entitled: MODULATION OF CHOLESTERYL ESTER
TRANSFER PROTEIN (CETP) ACTIVITY

Examiner: not yet assigned

Art Unit: not yet assigned

Attorney Docket No.: TCS-411.1P US-1

Box Patent Application

Asst. Commissioner for Patents

Washington, D.C. 20231

UTILITY PATENT APPLICATION TRANSMITTAL:

Division of U.S. Appln. Ser. No. 08/945,289

Prior Examiner: Lubet

Prior Unit: 1644

1. Fee Transmittal form PTO/SB/17 (in duplicate).
2. Utility Patent Application Transmittal form PTO/SB/05.
3. Copy of prior application specification of 66 pages (including Abstract of the Disclosure).
4. Formal Drawings (12 sheets).
5. Copy of oath/declaration (pursuant 37 CFR §1.63(d)) and power of attorney filed in parent application.
6. Copy of recorded Assignments filed in parent application.
7. Sequence Listing;
(a) computer readable form (CRF), (b) paper copy, and (c) statements under 37 CFR 1.825.
8. Information Disclosure Statement (including form PTO-1449).
9. Preliminary Amendment.
10. Return receipt post card.
11. Check No. 2202 in the amount of \$ 355.00 to cover the application filing fee.

Respectfully submitted,

Thomas R. Berka

Leon R. Yankwich; Registration No. 30,237

Thomas R. Berka, PhD; Registration No. 39,606

Attorneys for Applicant

YANKWICH & ASSOCIATES

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CERTIFICATE OF MAILING BY "EXPRESS MAIL"

The undersigned hereby certifies that this correspondence listed above is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10, postage prepaid, Express Mailing Label No. **EL164335375US**, in an envelope addressed to the Asst. Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on the date indicated below.

August 30, 2001
date

Stephanie L. Leicht
Stephanie L. Leicht

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

jc971 U.S. PTO
09/943334
08/30/01

Application of: Rittershaus & Thomas

Serial No.: not yet assigned

Filed: concurrently herewith

Entitled: MODULATION OF CHOLESTERYL ESTER
TRANSFER PROTEIN (CETP) ACTIVITY

Examiner: not yet assigned

Art Unit: not yet assigned

Division of U.S. Appln. Ser. No. 08/945,289

Attorney Docket No.: TCS-411.1P US-1

Box Patent Application

Assistant Commissioner for Patents

Washington, D.C. 20231

**Transmittal of Sequence Listing, Computer Readable Form, and Amendment Pertaining
Thereto For Invention Containing Nucleotide and/or Amino Acid Sequence
Under 37 CFR §§1.821-1.825**

Sir:

Transmitted herewith please find: a diskette containing a computer readable form (CRF) copy of an amended Sequence Listing, a paper copy of the amended Sequence Listing, and a preliminary amendment for the patent application filed currently herewith this paper.

Applicants have assigned a separate identifier to each of the 9 sequences disclosed, as required by 37 CFR §§1.821-1.825.

Applicants verify the following:

1. The enclosed amended Sequence Listing and the computer readable form of the amended Sequence Listing for the above-identified patent application are the same in content, as required by 37 CFR §1.825(b);
2. The enclosed amended Sequence Listing for the above-identified patent application contains no new matter and does not go beyond the original disclosure of the application, as required by 37 CFR §1.825(a);

3. The enclosed amended Sequence Listing and the computer readable form of the amended Sequence Listing for the above-identified patent application are in a form and format in accordance with 37 CFR §§1.822, 1.823, and 1.824.

Respectfully submitted,

Thomas R. Berka

Leon R. Yankwich; Registration No. 30,237
Thomas R. Berka, PhD; Registration No. 39,606
Attorneys for Applicants
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CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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August 30, 2001
Date

Stephanie L. Leicht
Stephanie L. Leicht